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| APPLICATION NO.                      | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/082,248                           | 02/26/2002  | David D. Rowley      | 23415-013           | 1772             |
| 909                                  | 7590        | 07/23/2007           |                     |                  |
| PILLSBURY WINTHROP SHAW PITTMAN, LLP |             |                      | EXAMINER            |                  |
| P.O. BOX 10500                       |             |                      | SHINGLES, KRISTIE D |                  |
| MCLEAN, VA 22102                     |             |                      | ART UNIT            | PAPER NUMBER     |
|                                      |             |                      | 2141                |                  |
|                                      |             |                      | MAIL DATE           | DELIVERY MODE    |
|                                      |             |                      | 07/23/2007          | PAPER            |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/082,248

**Applicant(s)**

ROWLEY ET AL.

**Examiner**

Kristie D. Shingles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 5/2/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 27-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Per Applicant's Request for Continued Examination**

Claims 1-26 have been cancelled.  
Claims 27-45 have been newly added.

Claims 27-45 are pending examination.

### **Continued Examination Under 37 CFR 1.114**

I. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/2/2007 has been entered.

### **Response to Arguments**

II. Applicant's arguments with respect to claims 27, 32, 36 and 42 have been considered but are moot in view of the new ground(s) of rejection.

### **Claim Rejections - 35 USC § 103**

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**IV. Claims 27 - 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Alcorn et al* (USPN 6,988,138) in view of *Johnston et al* (US 2002/0103882).**

a. Per claims 27, 36 and 42 (differ only by statutory subject matter), *Alcorn et al* teach a computer implemented method for enabling a user to perform an exercise remotely using a client system, the method comprising:

- receiving a request to connect to a remote server from the user (*Figure 39, col.4 lines 19-22 and 52-53*);
- accessing a course database to determine one or more courses associated with the user (*col.4 lines 52-56, col.7 lines 43-51, col.9 lines 46-64*);
- transmitting a list of courses associated with the user to the client system (*col.4 lines 19-45 and 52-59, col.10 lines 15-23—user is provided with access list to courses associated with the user, wherein course files of the courses contain assignment/assessment files*);
- receiving a selection of at least one of the courses in the course list from the user (*col.4 lines 60-63; provision for user to select a course hyperlink*);
- accessing the course database to determine the one or more exercises associated with the selected course (*col.4 lines 60-67*);
- transmitting a list of exercises, associated with the selected course to the client system (*col.4 lines 19-45 and 60-67, col.14 lines 8-44; course assignments from the assignment link of the selected course are transmitted to the user, wherein each listed assignment can be linked to web pages that contain the complete details of the particular assignment*);
- receiving a selection of at least one of the exercises in the exercise list from the user (*col.4 lines 19-45 and 60-67, col.14 lines 8-44*).

Although *Alcorn et al* teach that each assignment can be linked to web pages that contain the complete details of the assignments (*col.14 lines 29-34*) and virtual classrooms

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(col.19 lines 16-51). Yet *Alcorn et al* fail to explicitly teach accessing the course database to determine at least one virtual machine associated with the selected exercise; launching the virtual machine associated with the selected exercise, wherein the launched virtual machine generates a user interface for performing the selected exercise; and transmitting a view of the user interface to the client system, wherein the user performs the selected exercise by remotely interacting with the virtual machine via the view of the user interface. However *Johnston et al* teach users of client devices selecting an exercise, wherein the exercises are associated with virtual machines which are launched by dynamic learning units and the virtual machines provide interaction with a remote desktop via a client browser interface (page 3 paragraphs 0031-0035, page 4 paragraphs 0040-0045 and 0047-0050, page 5 paragraph 0056, page 6 paragraphs 0070 and 0073). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Alcorn et al* and *Johnston et al* for the purpose of providing a virtual environment for implementing the remote student-access of exercise and for providing an interface for the user to interact within the virtual environment generated by the virtual machines; because it would provision interactive communication for accessing exercises in one or more simultaneous execution environments over the Internet thus allowing a browser/interface for receiving the users' input in the virtual environment.

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b. **Claim 32** contains limitations that are substantially similar to claims 27, 36 and 42 and are therefore rejected under the same basis.

c. **Per claim 28**, *Alcorn et al* and *Johnston et al* teach the method of claim 27, *Johnston et al* further teach wherein the client system comprises a web browser and a viewer application for displaying the view of the user interface (*page 5 paragraphs 0055-0056; Alcorn et al—col.7 line 58-col.8 line 5, col.19 lines 16-51*).

d. **Per claim 29**, *Alcorn et al* and *Johnston et al* teach the method of claim 27, *Johnston et al* further teach the method further comprising: transmitting a page to the client system, the page including at least one selectable user interface element associated with the launched virtual machine; and receiving a selection of the at least one user interface element from the user (*pages 5-6 paragraphs 0040-0050, 0060-0067 and 0071-0073; Alcorn et al—col.14 lines 29-34*).

e. **Claims 33, 39 and 43** are substantially similar to claim 29 and are therefore rejected under the same basis.

f. **Per claim 30**, *Alcorn et al* and *Johnston et al* teach the method of claim 29, *Johnston et al* further teach the method further comprising generating the view of the user interface in response to receiving the selection of the user interface element (*page 4 paragraphs 0040-0051*).

g. **Claims 34 and 44** are substantially similar to claim 30 and are therefore rejected under the same basis

h. **Per claim 31**, *Alcorn et al* and *Johnston et al* teach the method of claim 27, *Johnston et al* further teach the method further comprising launching a remote display server to handle a session with a viewer application at the client system, the viewer application displaying the view of the user interface to the user, the remote display server refreshing the view in response to the user interacting with the view of the user interface during the session (*pages 4-5 paragraphs 0052-0053 and 0064, page 6 paragraphs 0069 and 0073*).

i. **Claims 35 and 45** are substantially equivalent to claim 31 and are therefore rejected under the same basis.

j. **Per claim 37**, *Alcorn et al* and *Johnston et al* teach the method of claim 36, *Johnston et al* further teach further comprising at least one computer on which the selected course is installed, wherein the virtual machine platform running the launched virtual machine is associated with the at least one computer (*pages 1-2 paragraph 0009, page 3 paragraphs 0029-0035, page 4 paragraphs 0044-0050*).

k. **Per claim 38**, *Alcorn et al* and *Johnston et al* teach the method of claim 36, *Johnston et al* further teach wherein the system is further operable to access the course database to determine the virtual machine associated with the selected course (*page 4 paragraphs 0040-0046, page 5 paragraphs 0054-0055, page 6 paragraphs 0067 and 0071-0073; Alcorn et al—col.4 lines 52-67, col.7 lines 43-51, col.9 lines 46-64*).

l. **Claim 40** is substantially similar to claims 30 and 31 and is therefore rejected under the same basis.

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m. **Per claim 41**, *Alcorn et al* and *Johnston et al* teach the method of claim 36, *Johnston et al* further teach wherein the virtual machine launcher is operable to register configuration information and course information with the course database, the configuration information including a unique identifier for the virtual machine launcher and a port number for the remote display server to accept session connections, the course information including a list of courses associated with the virtual machine launcher (*page 4 paragraphs 0044-0049, page 5 paragraph 0064, page 6 paragraphs 0067 and 0070-0073*).

#### **Conclusion**

V. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Bayeh (6,223,202) and Venkatesh et al (6,256,637).

VI. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie D. Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

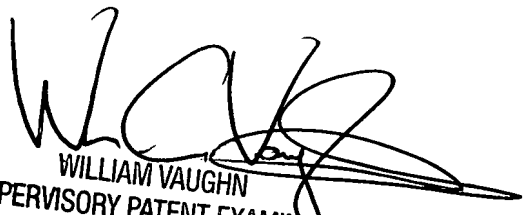


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***Kristie D. Shingles***  
***Examiner***  
***Art Unit 2141***

***kds***

  
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